

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

JOHNNY R. CORDREY,

Plaintiffs,

vs.

DONALD A. HULICK,*et al.*,

Defendants.

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CIVIL NO. 07-870-JPG

MEMORANDUM AND ORDER

GILBERT, District Judge:

Plaintiff, a prisoner proceeding pro se, filed a civil case pursuant to 42 U.S.C. § 1983 together with a motion to proceed *in forma pauperis* (Doc. 2). On February 27, 2008, the Court issued an Order (Doc. 7) denying Plaintiff's motion to proceed *in forma pauperis* because Plaintiff had "3 strikes" and the complaint did not allege that Plaintiff was "under imminent danger of serious physical injury" at the time he filed the complaint. *See* 28 U.S.C. § 1915(g). Plaintiff was directed to pay the full \$350 filing fee within fifteen days. Plaintiff was warned that if he failed to pay the filing fee as directed, the complaint would be dismissed pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

Instead of paying the filing fee as directed, Plaintiff filed an amended complaint (Doc. 8) and a motion to reconsider the Order denying him leave to proceed *in forma pauperis* (Doc. 10). Upon review of the submitted materials, the Court concluded that Plaintiff still had not alleged that he was "under imminent danger of serious physical injury" and the Court issued its Order (Doc. 12) denying Plaintiff's motion to reconsider. Plaintiff was given an additional fifteen days within which to pay the \$350 filing fee. Plaintiff was again warned that if he failed to pay the filing fee as directed, his complaint would be dismissed pursuant to Rule 41(b) of the Federal

Rules of Civil Procedure.

More than fifteen days have passed and Plaintiff still has not paid the \$350 filing fee as twice previously directed by this Court (Docs. 7 and 12). Therefore, Plaintiff's complaint is **DISMISSED**, without prejudice, for failing to comply with the Court's Order. *See* Fed. R. Civ. P. 41(b). Plaintiff's motion for appointment of counsel (Doc. 3) is **DENIED** as moot. The Clerk is **DIRECTED TO CLOSE THIS CASE**.

IT IS SO ORDERED.

Dated: June 6, 2008.

s/ J. Phil Gilbert
U. S. District Judge